

**Calendar No. 604**

109TH CONGRESS  
2D SESSION

**S. 3884**

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2006

Mr. LUGAR (for himself and Mr. MARTINEZ) introduced the following bill;  
which was read the first time

SEPTEMBER 12, 2006

Read the second time and placed on the calendar

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**A BILL**

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Darfur Peace and Accountability Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Sense of Congress.
- Sec. 5. Sanctions in support of peace in Darfur.
- Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
- Sec. 7. Continuation of restrictions.
- Sec. 8. Assistance efforts in Sudan.
- Sec. 9. Reporting requirements.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AMIS.—The term “AMIS” means the Afri-  
9 can Union Mission in Sudan.

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term “appropriate congressional com-  
12 mittees” means the Committee on Foreign Relations  
13 of the Senate and the Committee on International  
14 Relations of the House of Representatives.

15 (3) COMPREHENSIVE PEACE AGREEMENT FOR  
16 SUDAN.—The term “Comprehensive Peace Agree-  
17 ment for Sudan” means the peace agreement signed  
18 by the Government of Sudan and the SPLM/A in  
19 Nairobi, Kenya, on January 9, 2005.

20 (4) DARFUR PEACE AGREEMENT.—The term  
21 “Darfur Peace Agreement” means the peace agree-

1       ment signed by the Government of Sudan and the  
2       Sudan Liberation Movement/Army in Abuja, Nige-  
3       ria, on May 5, 2006.

4               (5) GOVERNMENT OF SUDAN.—The term “Gov-  
5       ernment of Sudan”—

6               (A) means—

7                       (i) the government in Khartoum,  
8                       Sudan, which is led by the National Con-  
9                       gress Party (formerly known as the Na-  
10                      tional Islamic Front); or

11                     (ii) any successor government formed  
12                     on or after the date of the enactment of  
13                     this Act (including the coalition National  
14                     Unity Government agreed upon in the  
15                     Comprehensive Peace Agreement for  
16                     Sudan); and

17               (B) does not include the regional govern-  
18       ment of Southern Sudan.

19               (6) OFFICIALS OF THE GOVERNMENT OF  
20       SUDAN.—The term “official of the Government of  
21       Sudan” does not include any individual—

22               (A) who was not a member of such govern-  
23       ment before July 1, 2005; or

24               (B) who is a member of the regional gov-  
25       ernment of Southern Sudan.

1 (7) SPLM/A.—The term “SPLM/A” means the  
2 Sudan People’s Liberation Movement/Army.

3 **SEC. 3. FINDINGS.**

4 Congress makes the following findings:

5 (1) On July 23, 2004, Congress declared, “the  
6 atrocities unfolding in Darfur, Sudan, are genocide”.

7 (2) On September 9, 2004, Secretary of State  
8 Colin L. Powell stated before the Committee on For-  
9 eign Relations of the Senate, “genocide has occurred  
10 and may still be occurring in Darfur”, and “the  
11 Government of Sudan and the Janjaweed bear re-  
12 sponsibility”.

13 (3) On September 21, 2004, in an address be-  
14 fore the United Nations General Assembly, Presi-  
15 dent George W. Bush affirmed the Secretary of  
16 State’s finding and stated, “[a]t this hour, the world  
17 is witnessing terrible suffering and horrible crimes in  
18 the Darfur region of Sudan, crimes my government  
19 has concluded are genocide”.

20 (4) On July 30, 2004, the United Nations Se-  
21 curity Council passed Security Council Resolution  
22 1556 (2004), calling upon the Government of Sudan  
23 to disarm the Janjaweed militias and to apprehend  
24 and bring to justice Janjaweed leaders and their as-  
25 sociates who have incited and carried out violations

1 of human rights and international humanitarian law,  
2 and establishing a ban on the sale or supply of arms  
3 and related materiel of all types, including the provi-  
4 sion of related technical training or assistance, to all  
5 nongovernmental entities and individuals, including  
6 the Janjaweed.

7 (5) On September 18, 2004, the United Na-  
8 tions Security Council passed Security Council Reso-  
9 lution 1564 (2004), determining that the Govern-  
10 ment of Sudan had failed to meet its obligations  
11 under Security Council Resolution 1556 (2004), call-  
12 ing for a military flight ban in and over the Darfur  
13 region, demanding the names of Janjaweed militia-  
14 men disarmed and arrested for verification, estab-  
15 lishing an International Commission of Inquiry on  
16 Darfur to investigate violations of international hu-  
17 manitarian and human rights laws, and threatening  
18 sanctions should the Government of Sudan fail to  
19 fully comply with Security Council Resolutions 1556  
20 (2004) and 1564 (2004), including such actions as  
21 to affect Sudan's petroleum sector or individual  
22 members of the Government of Sudan.

23 (6) The Report of the International Commis-  
24 sion of Inquiry on Darfur, submitted to the United  
25 Nations Secretary-General on January 25, 2005, es-

1        tablished that the “Government of the Sudan and  
2        the Janjaweed are responsible for serious violations  
3        of international human rights and humanitarian law  
4        amounting to crimes under international law,” that  
5        “these acts were conducted on a widespread and sys-  
6        tematic basis, and therefore may amount to crimes  
7        against humanity,” and that officials of the Govern-  
8        ment of Sudan and other individuals may have acted  
9        with “genocidal intent”.

10        (7) On March 24, 2005, the United Nations Se-  
11        curity Council passed Security Council Resolution  
12        1590 (2005), establishing the United Nations Mis-  
13        sion in Sudan (referred to in this section as the  
14        “UNMIS”), consisting of up to 10,000 military per-  
15        sonnel and 715 civilian police, to support implemen-  
16        tation of the Comprehensive Peace Agreement for  
17        Sudan and “closely and continuously liaise and co-  
18        ordinate at all levels with AMIS with a view towards  
19        expeditiously reinforcing the effort to foster peace in  
20        Darfur”.

21        (8) On March 29, 2005, the United Nations Se-  
22        curity Council passed Security Council Resolution  
23        1591 (2005), extending the military embargo estab-  
24        lished by Security Council Resolution 1556 (2004)  
25        to all the parties to the N’Djamena Ceasefire Agree-

1       ment of April 8, 2004, and any other belligerents in  
2       the states of North Darfur, South Darfur, and West  
3       Darfur, calling for an asset freeze and travel ban  
4       against those individuals who impede the peace proc-  
5       ess, constitute a threat to stability in Darfur and the  
6       region, commit violations of international humani-  
7       tarian or human rights law or other atrocities, are  
8       responsible for offensive military overflights, or vio-  
9       late the military embargo, and establishing a Com-  
10      mittee of the Security Council and a panel of experts  
11      to assist in monitoring compliance with Security  
12      Council Resolutions 1556 (2004) and 1591 (2005).

13           (9) On March 31, 2005, the United Nations Se-  
14      curity Council passed Security Council Resolution  
15      1593 (2005), referring the situation in Darfur since  
16      July 1, 2002, to the prosecutor of the International  
17      Criminal Court and calling on the Government of  
18      Sudan and all parties to the conflict to cooperate  
19      fully with the Court.

20           (10) On May 25, 2004, the African Union  
21      agreed to establish the African Union Mission in  
22      Sudan (referred to in this Act as the “AMIS”) to  
23      monitor the April 2004 N’Djamena Humanitarian  
24      Ceasefire Agreement between the parties in conflict

1 in the Darfur region of Sudan and provide necessary  
2 protection of such observer force.

3 (11) On July 30, 2005, Dr. John Garang de  
4 Mabior, the newly appointed Vice President of  
5 Sudan and the leader of the SPLM/A for the past  
6 21 years, was killed in a tragic helicopter crash in  
7 Southern Sudan, sparking riots in Khartoum and  
8 challenging the commitment of all Sudanese to the  
9 Comprehensive Peace Agreement for Sudan.

10 (12) On January 12, 2006, the African Union  
11 Peace and Security Council issued a communique  
12 endorsing, in principle, a transition from AMIS to a  
13 United Nations peacekeeping operation and re-  
14 quested the Chairperson of the Council to initiate  
15 consultations with the United Nations and other  
16 stakeholders toward this end.

17 (13) On February 3, 2006, the United Nations  
18 Security Council issued a Presidential Statement au-  
19 thORIZING the initiation of contingency planning for a  
20 transition from AMIS to a United Nations peace-  
21 keeping operation.

22 (14) On March 10, 2006, the African Union  
23 Peace and Security Council extended the mandate of  
24 AMIS, which had reached a force size of 7,000, to  
25 September 30, 2006, while simultaneously endorsing



1 the transition of AMIS to a United Nations peace-  
2 keeping operation and setting April 30, 2006 as the  
3 deadline for reaching an agreement to resolve the  
4 crisis in Darfur.

5 (15) On March 24, 2006, the United Nations  
6 Security Council passed Security Council Resolution  
7 1663 (2006), which—

8 (A) welcomes the African Peace and Secu-  
9 rity Council's March 10, 2006, communique;  
10 and

11 (B) requests that the United Nations Sec-  
12 retary-General, jointly with the African Union  
13 and in consultation with the parties to the  
14 Abuja Peace Talks, expedite planning for the  
15 transition of AMIS to a United Nations peace-  
16 keeping operation.

17 (16) On March 29, 2006, during a speech at  
18 Freedom House, President Bush called for a transi-  
19 tion to a United Nations peacekeeping operation and  
20 “additional forces with a NATO overlay . . . to pro-  
21 vide logistical and command-and-control and airlift  
22 capacity, but also to send a clear signal to parties  
23 involved that the west is determined to help effect a  
24 settlement.”.

1           (17) On April 25, 2006, the United Nations Se-  
2       curity Council passed Security Council Resolution  
3       1672 (2006), unanimously imposing targeted finan-  
4       cial sanctions and travel restrictions on 4 individuals  
5       who had been identified in a list of 51 submitted to  
6       the United Nations Security Council by a United  
7       Nations panel of experts established pursuant to Se-  
8       curity Council Resolution 1591 (2005), which had  
9       identified the individuals as those who, among other  
10      acts, “impede the peace process, constitute a threat  
11      to stability in Darfur and the region, commit viola-  
12      tions of international humanitarian or human rights  
13      law or other atrocities”, including the Commander of  
14      the Western Military Region for the armed forces of  
15      Sudan, the Paramount Chief of the Jalul Tribe in  
16      North Darfur, the Commander of the Sudanese Lib-  
17      eration Army, and the Field Commander of the Na-  
18      tional Movement for Reform and Development.

19           (18) On May 5, 2006, under the auspices of Af-  
20      rican Union mediation and the direct engagement of  
21      the international community, including the United  
22      States, the Government of Sudan and the largest  
23      rebel faction in Darfur, the Sudan Liberation Move-  
24      ment, signed the Darfur Peace Agreement, which

1 addresses security, power sharing, and wealth shar-  
2 ing issues between the parties.

3 (19) In August 2006, the Sudanese government  
4 began to amass military forces and equipment in the  
5 Darfur region in contravention of the Darfur Peace  
6 Agreement to which they are signatories in what ap-  
7 pears to be preliminary to full scale war.

8 (20) On August 30, 2006, the United Nations  
9 Security Council voted unanimously, with 3 absten-  
10 tions (China, Russian Federation, and Qatar), for  
11 Security Council Resolution 1706 (2006) to expand  
12 the mandate of the existing United Nations Mission  
13 in Sudan to include the Darfur region of Sudan and  
14 to support implementation of the Darfur Peace  
15 Agreement of May 5, 2006, and the N'djamena  
16 Agreement on Humanitarian Cease-fire on the Con-  
17 flict in Darfur with up to 20,000 peacekeepers and  
18 police.

19 (21) Between August 30 and September 3,  
20 2006, President Bashir and other senior members of  
21 his administration have publicly rejected United Na-  
22 tions Security Council Resolution 1706 (2006), call-  
23 ing it illegal and a western invasion of his country,  
24 despite the current presence of 10,000 United Na-

1        tions peacekeepers under the UNMIS peacekeeping  
2        force.

3            (22) Since 1993, the Government of Sudan has  
4        been designated, pursuant to section 6(j) of the Ex-  
5        port Administration Act of 1979 (50 App. U.S.C.  
6        2405(j)), as a country which has repeatedly provided  
7        support for acts of international terrorism. Since  
8        Sudan has been designated as a state sponsor of ter-  
9        rorism, United States assistance, defense exports  
10       and sales, and financial and other transactions with  
11       the Government of Sudan are severely restricted  
12       under section 620A of the Foreign Assistance Act of  
13       1961 (22 U.S.C. 2371) and section 40 of the Arms  
14       Export Control Act (22 U.S.C. 2780).

15   **SEC. 4. SENSE OF CONGRESS.**

16        It is the sense of Congress that—

17            (1) the genocide unfolding in the Darfur region  
18        of Sudan is characterized by acts of terrorism and  
19        atrocities directed against civilians, including mass  
20        murder, rape, and sexual violence committed by the  
21        Janjaweed and associated militias with the com-  
22        plicity and support of the National Congress Party-  
23        led faction of the Government of Sudan;

24            (2) all parties to the conflict in the Darfur re-  
25        gion have continued to violate the N'Djamena

1 Ceasefire Agreement of April 8, 2004, and the  
2 Abuja Protocols of November 9, 2004, and violence  
3 against civilians, humanitarian aid workers, and per-  
4 sonnel of AMIS is increasing;

5 (3) the African Union should rapidly expand  
6 the size and amend the mandate of AMIS to author-  
7 ize such action as may be necessary to—

8 (A) protect civilians and humanitarian op-  
9 erations;

10 (B) assist with the implementation of the  
11 Darfur Peace Agreement;

12 (C) deter violence in the Darfur region;  
13 and

14 (D) make all necessary preparations, with-  
15 out delay, for an orderly transition to a United  
16 Nations peacekeeping operation, which may in-  
17 clude African Union participation;

18 (4) the international community, including the  
19 United States and the European Union, should im-  
20 mediately act to mobilize sufficient political, mili-  
21 tary, and financial resources through the United Na-  
22 tions and the North Atlantic Treaty Organization, to  
23 support the transition of AMIS to a United Nations  
24 peacekeeping operation with the size, strength, and  
25 capacity necessary to protect civilians and humani-

1       tarian operations, to assist with the implementation  
2       of the Darfur Peace Agreement, and to end the con-  
3       tinued violence in the Darfur region;

4               (5) if an expanded and reinforced AMIS or sub-  
5       sequent United Nations peacekeeping operation fails  
6       to stop genocide in the Darfur region, the inter-  
7       national community should take additional measures  
8       to prevent and suppress acts of genocide in the  
9       Darfur region;

10              (6) acting under article 5 of the Charter of the  
11       United Nations, the United Nations Security Coun-  
12       cil should call for suspension of the Government of  
13       Sudan's rights and privileges of membership by the  
14       General Assembly until such time as the Govern-  
15       ment of Sudan has honored pledges to cease attacks  
16       upon civilians, demobilize and demilitarize the  
17       Janjaweed and associated militias, and grant free  
18       and unfettered access for deliveries of humanitarian  
19       assistance in the Darfur region;

20              (7) the President should use all necessary and  
21       appropriate diplomatic means to ensure the full dis-  
22       charge of the responsibilities of the Committee of  
23       the United Nations Security Council and the panel  
24       of experts established pursuant to section 3(a) of Se-  
25       curity Council Resolution 1591 (2005);

1           (8) the United States should not provide assist-  
2           ance to the Government of Sudan, other than assist-  
3           ance necessary for the implementation of the Com-  
4           prehensive Peace Agreement for Sudan and the  
5           Darfur Peace Agreement, the support of the regional  
6           Government of Southern Sudan and marginalized  
7           areas in Northern Sudan (including the Nuba Moun-  
8           tains, Southern Blue Nile, Abyei, Eastern Sudan  
9           (Beja), Darfur, and Nubia), or for humanitarian  
10          purposes in Sudan, until the Government of Sudan  
11          has honored pledges to cease attacks upon civilians,  
12          demobilize and demilitarize the Janjaweed and asso-  
13          ciated militias, grant free and unfettered access for  
14          deliveries of humanitarian assistance in the Darfur  
15          region, and allow for the safe and voluntary return  
16          of refugees and internally displaced persons;

17          (9) the President should seek to assist members  
18          of the Sudanese diaspora in the United States by es-  
19          tablishing a student loan forgiveness program for  
20          those individuals who commit to return to Southern  
21          Sudan for a period of not less than 5 years for the  
22          purpose of contributing professional skills needed for  
23          the reconstruction of Southern Sudan;

1           (10) the President should appoint a Presi-  
2           dential Envoy for Sudan with appropriate resources  
3           and a clear mandate to—

4                   (A) provide stewardship of efforts to imple-  
5                   ment the Comprehensive Peace Agreement for  
6                   Sudan and the Darfur Peace Agreement;

7                   (B) seek ways to bring stability and peace  
8                   to the Darfur region;

9                   (C) address instability elsewhere in Sudan,  
10                  Chad, and northern Uganda; and

11                  (D) pursue a truly comprehensive peace  
12                  throughout the region;

13           (11) the international community should  
14           strongly condemn attacks against humanitarian  
15           workers and African Union personnel, and the forc-  
16           ible recruitment of refugees from camps in Chad and  
17           Sudan, and demand that all armed groups in the re-  
18           gion, including the forces of the Government of  
19           Sudan, the Janjaweed, associated militias, the  
20           Sudan Liberation Movement/Army, the Justice and  
21           Equality Movement, and all other armed groups re-  
22           frain from such activities;

23           (12) the United States should fully support the  
24           Comprehensive Peace Agreement for Sudan and the



1       Darfur Peace Agreement and urge rapid implemen-  
2       tation of its terms;

3               (13) the May 5, 2006, signing of the Darfur  
4       Peace Agreement between the Government of Sudan  
5       and the Sudan Liberation Movement was a positive  
6       development in a situation that has seen little polit-  
7       ical progress in 2 years and should be seized upon  
8       by all sides to begin the arduous process of post-con-  
9       flict reconstruction, restitution, justice, and rec-  
10      onciliation; and

11              (14) the new leadership of the Sudan People's  
12      Liberation Movement (referred to in this paragraph  
13      as "SPLM") should—

14                      (A) seek to transform SPLM into an inclu-  
15                      sive, transparent, and democratic body;

16                      (B) reaffirm the commitment of SPLM  
17                      to—

18                              (i) bring peace to Southern Sudan,  
19                              the Darfur region, and Eastern Sudan;  
20                              and

21                              (ii) eliminate safe haven for regional  
22                              rebel movements, such as the Lord's Re-  
23                              sistance Army; and

24                      (C) remain united in the face of efforts to  
25                      undermine SPLM.

1 **SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

2 (a) BLOCKING OF ASSETS AND RESTRICTION ON  
3 VISAS.—Section 6 of the Comprehensive Peace in Sudan  
4 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)  
5 is amended—

6 (1) in the heading of subsection (b), by insert-  
7 ing “OF APPROPRIATE SENIOR OFFICIALS OF THE  
8 GOVERNMENT OF SUDAN” after “ASSETS”;

9 (2) by redesignating subsections (c) through (e)  
10 as subsections (d) through (f), respectively; and

11 (3) by inserting after subsection (b) the fol-  
12 lowing:

13 “(c) BLOCKING OF ASSETS AND RESTRICTION ON  
14 VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE  
15 PRESIDENT.—

16 “(1) BLOCKING OF ASSETS.—Beginning on the  
17 date that is 30 days after the date of the enactment  
18 of the Darfur Peace and Accountability Act of 2006,  
19 and in the interest of contributing to peace in  
20 Sudan, the President shall, consistent with the au-  
21 thorities granted under the International Emergency  
22 Economic Powers Act (50 U.S.C. 1701 et seq.),  
23 block the assets of any individual who the President  
24 determines is complicit in, or responsible for, acts of  
25 genocide, war crimes, or crimes against humanity in  
26 Darfur, including the family members or any associ-

1       ates of such individual to whom assets or property  
2       of such individual was transferred on or after July  
3       1, 2002.

4           “(2) RESTRICTION ON VISAS.—Beginning on  
5       the date that is 30 days after the date of the enact-  
6       ment of the Darfur Peace and Accountability Act of  
7       2006, and in the interest of contributing to peace in  
8       Sudan, the President shall deny a visa and entry to  
9       any individual who the President determines to be  
10      complicit in, or responsible for, acts of genocide, war  
11      crimes, or crimes against humanity in Darfur, in-  
12      cluding the family members or any associates of  
13      such individual to whom assets or property of such  
14      individual was transferred on or after July 1,  
15      2002.”.

16      (b) WAIVER.—Section 6(d) of the Comprehensive  
17      Peace in Sudan Act of 2004, as redesignated by subsection  
18      (a), is amended by adding at the end the following: “The  
19      President may waive the application of paragraph (1) or  
20      (2) of subsection (c) with respect to any individual if the  
21      President determines that such a waiver is in the national  
22      interests of the United States and, before exercising the  
23      waiver, notifies the appropriate congressional committees  
24      of the name of the individual and the reasons for the waiv-  
25      er.”.

1       (c) SANCTIONS AGAINST CERTAIN JANJAWEEED COM-  
 2 MANDERS AND COORDINATORS.—It is the sense of Con-  
 3 gress, that the President should immediately consider im-  
 4 posing the sanctions described in section 6(c) of the Com-  
 5 prehensive Peace in Sudan Act of 2004, as added by sub-  
 6 section (a), against the Janjaweed commanders and coor-  
 7 dinators identified by the former United States Ambas-  
 8 sador at Large for War Crimes on June 24, 2004, before  
 9 the Subcommittee on Africa, Global Human Rights and  
 10 International Operations of the Committee on Inter-  
 11 national Relations of the House of Representatives.

12 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**  
 13 **PRESS GENOCIDE IN DARFUR.**

14       (a) PRESIDENTIAL ASSISTANCE TO SUPPORT  
 15 AMIS.—Subject to subsection (b) and notwithstanding  
 16 any other provision of law, the President is authorized to  
 17 provide AMIS with—

18           (1) assistance for any expansion of the man-  
 19 date, size, strength, and capacity to protect civilians  
 20 and humanitarian operations in order to help sta-  
 21 bilize the Darfur region of Sudan and dissuade and  
 22 deter air attacks directed against civilians and hu-  
 23 manitarian workers; and

24           (2) assistance in the areas of logistics, trans-  
 25 port, communications, material support, technical

1 assistance, training, command and control, aerial  
2 surveillance, and intelligence.

3 (b) CONDITIONS.—

4 (1) IN GENERAL.—Assistance provided under  
5 subsection (a)—

6 (A) shall be used only in the Darfur re-  
7 gion; and

8 (B) shall not be provided until AMIS has  
9 agreed not to transfer title to, or possession of,  
10 any such assistance to anyone not an officer,  
11 employee or agent of AMIS, and not to use or  
12 to permit the use of such assistance for any  
13 purposes other than those for which such assist-  
14 ance was furnished, unless the consent of the  
15 President has first been obtained, and written  
16 assurances reflecting all of the forgoing have  
17 been obtained from AMIS by the President.

18 (2) CONSENT.—If the President consents to the  
19 transfer of such assistance to anyone not an officer,  
20 employee, or agent of AMIS, or agrees to permit the  
21 use of such assistance for any purposes other than  
22 those for which such assistance was furnished, the  
23 President shall immediately notify the Committee on  
24 Foreign Relations of the Senate and the Committee  
25 on International Relations of the House of Rep-

1        representatives in accordance with the procedures appli-  
2        cable to reprogramming notifications under section  
3        634A of the Foreign Assistance Act of 1961 (22  
4        U.S.C. 2394–1).

5        (c) NATO ASSISTANCE TO SUPPORT AMIS.—It is  
6        the sense of Congress that the President should continue  
7        to instruct the United States Permanent Representative  
8        to the North Atlantic Treaty Organization (referred to in  
9        this section as “NATO”) to use the voice, vote, and influ-  
10       ence of the United States at NATO to—

11                (1) advocate NATO reinforcement of the AMIS  
12                and its orderly transition to a United Nations peace-  
13                keeping operation, as appropriate;

14                (2) provide assets to help dissuade and deter  
15                air strikes directed against civilians and humani-  
16                tarian workers in the Darfur region of Sudan; and

17                (3) provide other logistical, transportation, com-  
18                munications, training, technical assistance, command  
19                and control, aerial surveillance, and intelligence sup-  
20                port.

21        (d) RULE OF CONSTRUCTION.—Nothing in this Act,  
22        or any amendment made by this Act, shall be construed  
23        as a provision described in section 5(b) or 8(a)(1) of the  
24        War Powers Resolution (Public Law 93–148; 50 U.S.C.  
25        1544(b), 1546(a)(1)).

1 (e) DENIAL OF ENTRY AT UNITED STATES PORTS  
2 TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

3 (1) IN GENERAL.—The President should take  
4 all necessary and appropriate steps to deny the Gov-  
5 ernment of Sudan access to oil revenues, including  
6 by prohibiting entry at United States ports to cargo  
7 ships or oil tankers engaged in business or trade ac-  
8 tivities in the oil sector of Sudan or involved in the  
9 shipment of goods for use by the armed forces of  
10 Sudan until such time as the Government of Sudan  
11 has honored its commitments to cease attacks on ci-  
12 vilians, demobilize and demilitarize the Janjaweed  
13 and associated militias, grant free and unfettered ac-  
14 cess for deliveries of humanitarian assistance, and  
15 allow for the safe and voluntary return of refugees  
16 and internally displaced persons.

17 (2) EXCEPTION.—Paragraph (1) shall not  
18 apply with respect to—

19 (A) cargo ships or oil tankers involved in  
20 an internationally-recognized demobilization  
21 program or the shipment of economic assist-  
22 ance; or

23 (B) if the President has made the deter-  
24 mination set forth in section 9(e), military as-  
25 sistance necessary to carry out elements of the

1 Comprehensive Peace Agreement for Sudan or  
2 the Darfur Peace Agreement.

3 (f) PROHIBITION ON ASSISTANCE TO COUNTRIES IN  
4 VIOLATION OF UNITED NATIONS SECURITY COUNCIL  
5 RESOLUTIONS 1556 AND 1591.—

6 (1) PROHIBITION.—Amounts made available to  
7 carry out the Foreign Assistance Act of 1961 (22  
8 U.S.C. 2151 et seq.) may not be used to provide as-  
9 sistance (other than humanitarian assistance) to the  
10 government of a country that is in violation of the  
11 embargo on military assistance with respect to  
12 Sudan imposed pursuant to United Nations Security  
13 Council Resolutions 1556 (2004) and 1591 (2005).

14 (2) WAIVER.—The President may waive the ap-  
15 plication of paragraph (1) if the President deter-  
16 mines, and certifies to the appropriate congressional  
17 committees, that such waiver is in the national inter-  
18 ests of the United States.

19 **SEC. 7. CONTINUATION OF RESTRICTIONS.**

20 (a) IN GENERAL.—Restrictions against the Govern-  
21 ment of Sudan that were imposed pursuant to Executive  
22 Order 13067 of November 3, 1997 (62 Federal Register  
23 59989), title III and sections 508, 512, 527, and 569 of  
24 the Foreign Operations, Export Financing, and Related  
25 Programs Appropriations Act, 2006 (Public Law 109–



1 102), or any other similar provision of law, shall remain  
2 in effect, and shall not be lifted pursuant to such provi-  
3 sions of law, until the President certifies to the appro-  
4 priate congressional committees that the Government of  
5 Sudan is acting in good faith to—

6 (1) implement the Darfur Peace Agreement;

7 (2) disarm, demobilize, and demilitarize the  
8 Janjaweed and all militias allied with the Govern-  
9 ment of Sudan;

10 (3) adhere to all associated United Nations Se-  
11 curity Council Resolutions, including Security Coun-  
12 cil Resolutions 1556 (2004), 1564 (2004), 1591  
13 (2005), 1593 (2005), 1663 (2006), 1665 (2006),  
14 and 1706 (2006);

15 (4) negotiate a peaceful resolution to the crisis  
16 in eastern Sudan;

17 (5) fully cooperate with efforts to disarm, de-  
18 mobilize, and deny safe haven to members of the  
19 Lord's Resistance Army in Sudan; and

20 (6) fully implement the Comprehensive Peace  
21 Agreement for Sudan without manipulation or delay,  
22 by—

23 (A) implementing the recommendations of  
24 the Abyei Boundaries Commission Report;

1 (B) establishing other appropriate commis-  
2 sions and implementing and adhering to the  
3 recommendations of such commissions con-  
4 sistent with the terms of the Comprehensive  
5 Peace Agreement for Sudan;

6 (C) adhering to the terms of the Wealth  
7 Sharing Agreement; and

8 (D) withdrawing government forces from  
9 Southern Sudan consistent with the terms of  
10 the Comprehensive Peace Agreement for Sudan.

11 (b) WAIVER.—The President may waive the applica-  
12 tion of subsection (a) if the President determines, and cer-  
13 tifies to the appropriate congressional committees, that  
14 such waiver is in the national interests of the United  
15 States.

16 **SEC. 8. ASSISTANCE EFFORTS IN SUDAN.**

17 (a) ASSISTANCE FOR INTERNATIONAL MALARIA CON-  
18 TROL ACT.—Section 501 of the Assistance for Inter-  
19 national Malaria Control Act (Public Law 106–570; 50  
20 U.S.C. 1701 note) is repealed.

21 (b) COMPREHENSIVE PEACE IN SUDAN ACT.—Sec-  
22 tion 7 of the Comprehensive Peace in Sudan Act of 2004  
23 (Public Law 108–497; 50 U.S.C. 1701 note) is repealed.

24 (c) AUTHORIZED ASSISTANCE.—If the President has  
25 not made a certification under section 12(a)(3) of the

1 Sudan Peace Act (50 U.S.C. 1701 note) regarding the  
2 noncompliance of the SPLM/A or the Government of  
3 Southern Sudan with the Comprehensive Peace Agree-  
4 ment for Sudan, the President may provide the following  
5 types of assistance:

6 (1) ECONOMIC ASSISTANCE.—

7 (A) IN GENERAL.—Notwithstanding any  
8 other provision of law, the President is author-  
9 ized to provide economic assistance for South-  
10 ern Sudan, Southern Kordofan/Nuba Moun-  
11 tains State, Blue Nile State, and Abyei, includ-  
12 ing for emergency relief to promote economic  
13 self-sufficiency, build civil authority, provide  
14 education, enhance rule of law and the develop-  
15 ment of judicial and legal frameworks, support  
16 people to people reconciliation efforts, or to im-  
17 plement any nonmilitary program in support of  
18 any viable peace agreement in Sudan, including  
19 the Comprehensive Peace Agreement for Sudan.

20 (B) CONGRESSIONAL NOTIFICATION.—As-  
21 sistance may not be obligated under this sub-  
22 section until 15 days after the date on which  
23 the President notifies the congressional commit-  
24 tees specified in section 634A of the Foreign  
25 Assistance Act of 1961 (22 U.S.C. 2394–1) of

1 such obligation in accordance with the proce-  
2 dures applicable to reprogramming notifications  
3 under such section.

4 (2) MILITARY ASSISTANCE.—

5 (A) IN GENERAL.—Notwithstanding any  
6 other provision of law, for each of fiscal years  
7 2006, 2007, and 2008, the President may au-  
8 thorize the export to the Government of South-  
9 ern Sudan for the purpose of constituting a  
10 professional military force—

11 (i) non-lethal military equipment con-  
12 trolled under the International Traffic in  
13 Arms Regulations (22 C.F.R. 120.1 et  
14 seq.) if the President—

15 (I) determines that the export of  
16 such items is in the national security  
17 interest of the United States; and

18 (II) not later than 15 days before  
19 the export of any such items, notifies  
20 the Committee on Foreign Relations  
21 of the Senate and the Committee on  
22 International Relations of the House  
23 of Representatives of such determina-  
24 tion.

1                   (ii) lethal military equipment con-  
2                   trolled under categories I, II, and III of  
3                   the United States Munitions List (22  
4                   C.F.R. 121.1 et seq.) if the President—

5                   (I) determines that the export of  
6                   such equipment is vital to the national  
7                   security interests of the United  
8                   States; and

9                   (II) in accordance with the proce-  
10                  dures set forth in section 614(a)(3) of  
11                  the Foreign Assistance Act of 1961  
12                  (22 U.S.C. 2364(a)(3)), notifies the  
13                  Committee on Foreign Relations of  
14                  the Senate and the Committee on  
15                  International Relations of the House  
16                  of Representatives of such determina-  
17                  tion.

18               (3) END USE ASSURANCES.—For each item ex-  
19               ported pursuant to paragraph (1) or (2), the Presi-  
20               dent shall include with the notification to Congress  
21               under clauses (i)(II) and (ii)(II) of paragraph (2)—

22                   (A) an identification of the end users to  
23                   which the export is being made;

24                   (B) the dollar value of the items being ex-  
25                   ported;

1 (C) a description of the items being ex-  
2 ported; and

3 (D) a description of the end use  
4 verification procedures that will be applied to  
5 such items, including—

6 (i) any special assurances obtained  
7 from the Government of Southern Sudan  
8 or other authorized end users regarding  
9 such equipment; and

10 (ii) the end use or retransfer controls  
11 that will be applied to any items exported  
12 under this subsection.

13 (4) WAIVER AUTHORITY.—Section 40A(b) of  
14 the Arms Export Control Act (22 U.S.C. 2781(b))  
15 shall not apply to assistance furnished under para-  
16 graph (2).

17 (d) EXCEPTION TO PROHIBITIONS IN EXECUTIVE  
18 ORDER NUMBER 13067.—Notwithstanding any other pro-  
19 vision of law, the prohibitions set forth with respect to  
20 Sudan in Executive Order No. 13067 (62 Fed. Reg.  
21 59989) shall not apply to activities or related transactions  
22 with respect to Southern Sudan, Southern Kordofan/Nuba  
23 Mountains State, Blue Nile State, or Abyei.

1 **SEC. 9. REPORTING REQUIREMENTS.**

2 Section 8 of the Sudan Peace Act (Public Law 107–  
3 245; 50 U.S.C. 1701 note) is amended—

4 (1) by redesignating subsection (c) as sub-  
5 section (g); and

6 (2) by inserting after subsection (b) the fol-  
7 lowing:

8 “(c) REPORT ON AFRICAN UNION MISSION IN  
9 SUDAN.—In conjunction with the other reports required  
10 under this section, the Secretary of State, in consultation  
11 with all relevant Federal departments and agencies, shall  
12 prepare and submit a report, to the appropriate congres-  
13 sional committees, regarding—

14 “(1) a detailed description of all United States  
15 assistance provided to the African Union Mission in  
16 Sudan (referred to in this subsection as ‘AMIS’)  
17 since the establishment of AMIS, reported by fiscal  
18 year and the type and purpose of such assistance;  
19 and

20 “(2) the level of other international assistance  
21 provided to AMIS, including assistance from coun-  
22 tries, regional and international organizations, such  
23 as the North Atlantic Treaty Organization, the Eu-  
24 ropean Union, the Arab League, and the United Na-  
25 tions, reported by fiscal year and the type and pur-  
26 pose of such assistance, to the extent possible.

1       “(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE  
2 IN DARFUR.—In conjunction with the other reports re-  
3 quired under this section, the Secretary of State shall sub-  
4 mit a report to the appropriate congressional committees  
5 regarding sanctions imposed under section 6 of the Com-  
6 prehensive Peace in Sudan Act of 2004, including—

7               “(1) a description of each sanction imposed  
8       under such provision of law; and

9               “(2) the name of the individual or entity sub-  
10       ject to the sanction, if applicable.

11       “(e) REPORT ON UNITED STATES MILITARY ASSIST-  
12 ANCE.—In conjunction with the other reports required  
13 under this section, the Secretary of State shall submit a  
14 report to the appropriate congressional committees de-  
15 scribing the effectiveness of any assistance provided under  
16 section 8 of the Darfur Peace and Accountability Act of  
17 2006, including—

18               “(1) a detailed annex on any military assistance  
19       provided in the period covered by this report;

20               “(2) the results of any review or other moni-  
21       toring conducted by the Federal Government with  
22       respect to assistance provided under that Act; and

23               “(3) any unauthorized retransfer or use of mili-  
24       tary assistance furnished by the United States.”.





**Calendar No. 604**

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 3884**

**A BILL**

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

SEPTEMBER 12, 2006

Read the second time and placed on the calendar